
**Agriculture & Natural Resources
Committee**

SSB 5401

Brief Description: Expanding the riparian open space program to include lands that contain critical habitat of threatened or endangered species.

Sponsors: Senate Committee on Natural Resources, Ocean & Recreation (originally sponsored by Senators Morton, Jacobsen, Stevens, Ranker, Hatfield, Roach and Kline).

Brief Summary of Substitute Bill

- Expands the riparian open space program to include the acquisition of forest lands containing critical habitat for threatened or endangered species.
- Applies existing tax exemptions for conservation easements acquired under the riparian open space program to forest lands containing critical habitat for threatened or endangered species.

Hearing Date: 3/17/09

Staff: Jaclyn Ford (786-7339)

Background:

The Washington Forest Practices Board (Board) was established in 1975 by the Legislature under the state Forest Practices Act, and is charged with establishing rules to protect the state's natural resources while maintaining a viable timber industry.

The Board established by rule a Riparian Open Space Program that allows for the acquisition of lands within unconfined avulsing channel migration zones. An "unconfined avulsing stream" experiences abrupt shifts in channel location, creating a complex flood plain characterized by extensive gravel bars, disturbance species of variable age, numerous side channels, wall-based channels, oxbow lakes, and wetland complexes. An "unconfined avulsing channel migration zone" means the area within which the active channel of an unconfined avulsing stream is prone

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to move and where the movement would result in a potential near-term loss of riparian forest adjacent to the stream. The unconfined avulsing channel migration zone does not include areas permanently restricted from channel movement by a dike or levee.

Qualifying landowners can apply to donate or sell their land and/or timber in designated forest land that exists along migrating stream channels. They can also sell the state permanent conservation easements covering the timber and/or forest land. Once acquired, these lands may be held and managed by the Department of Natural Resources, transferred to another state agency, transferred to an appropriate local government agency, or transferred to a private nonprofit nature conservancy organization. The rules must provide for the management of the lands for ecological protection or fisheries enhancement.

Summary of Bill:

The Board must establish by rule a program for the acquisition of riparian open space and critical habitat for threatened or endangered species as designated by the Board. Acquisition must be a conservation easement.

Lands eligible for acquisition are forest lands within unconfined channel migration zones or forest lands containing critical habitat for threatened or endangered species as designated by the Board.

Existing tax exemptions for conservation easements acquired under the riparian open space program must now be extended to forest lands containing critical habitat for threatened or endangered species.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.